



12-27-04

AF/1648  
JEW

Practitioner's Docket No. 57155 US (70207)

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNIPE, et al.

Confirmation: 6837

Serial No.: 08/278,601

Group: 1648

Filed: July 21, 1994

Examiner: MOSHER, Mary

For: HERPESVIRUS REPLICATION DEFECTIVE MUTANTS

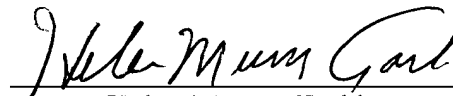
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Dated: December 22, 2004

  
Helen Murray Tarbi

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#### SECOND SUBMISSION UNDER 37 C.F.R. §1.129

Applicants are in receipt of the Office Action, mailed September 22, 2004. This submission is made under 37 C.F.R. §1.129. A first submission under §1.129 was made. The fee for this submission, as set forth under §1.17(r), is submitted herewith.

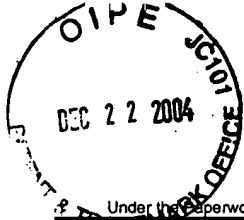
Please amend the above-identified application as follows.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 13 of this paper.

12/28/2004 AWONDAF1 00000071 041105 08278601

01 FC:2809 395.00 DA



PTO/SB/17 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
		Application Number	08/278,601-Conf. #6837
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	July 21, 1994
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 395.00		First Named Inventor	David Knipe
		Examiner Name	M. Mosher
		Art Unit	1648
		Attorney Docket No.	57155 (70207)

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 04-1105
Deposit Account Name: Edwards & Angell, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		<b>Fees Paid (\$)</b>
	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>						<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent						50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - 20 = _____		x _____	= _____		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 = _____		x _____	= _____				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>		<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
_____ - 100 = _____		/50	_____ (round up to a whole number) x _____		= _____		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other: 2809 Filing a submission after final rejection (see 37 CFR 1.129(a))						395.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	26,964
Name (Print/Type)	George W. Meuner	Telephone	(617) 439-4444
		Date	December 22, 2004



Application No. (if known): 08/278,601

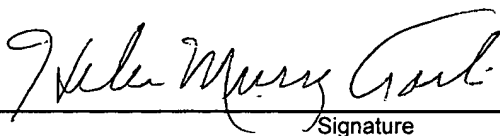
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Helen Murray Tarbi

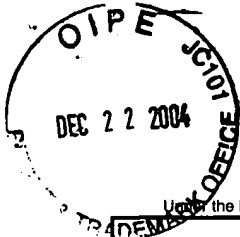
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Fee Transmittal (1 page)  
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<b>PROCESSING FEE</b> <b>Under 37 CFR 1.17(r)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  <b>Send completed form to:</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	08/278,601-Conf. #6837
	<b>Filing Date</b>	July 21, 1994
	<b>First Named Inventor</b>	David Knipe
	<b>Art Unit</b>	1648
	<b>Examiner Name</b>	M. Mosher
	<b>Attorney Docket Number</b>	57155 (70207)

Enclosed is a paper filed under 37 CFR 1.129 that requires a processing fee (37 CFR 1.17(r)).  
Payment of \$            is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1105 :  
☒ Processing fee under 37 CFR 1.17(r) ☒ Any deficiency of fees and credit of any overpayments

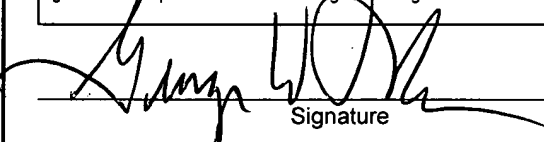
☐ Check in the amount of \$            is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(r): Fee \$395.00      Fee Code 2809**

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications.
- § 1.48 – for correcting inventorship, except in provisional applications.
- § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under §1.53(b).
- § 1.55 – for entry of late priority papers.
- § 1.99(e) – for processing a belated submission under § 1.99.
- § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) – for requesting deferred examination of an application.
- § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 – for a patent to issue to assignee; assignment submitted after payment of the issue fee.

 _____ Signature George W. Neuner _____ Typed or printed name	December 22, 2004 _____ Date 26,964 _____ Registration No., if applicable
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